



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# BOOK REVIEWS.

HANDBOOK OF THE LAW OF INSURANCE. By WILLIAM REYNOLDS VANCE. St. Paul, Minn.: West Publishing Company. 1904. pp. xiv., 683.

In his very modest preface, the author tells us that this work has been elaborated from his lecture notes as they were experimentally developed through several years spent in teaching the law of insurance. His experience in the lecture room has been of great value to him, evidently, in the preparation of this book. It has disclosed to him the numerous topics in this branch of the law, upon which judicial decisions are uncertain or discordant, and convinced him that these topics should receive the most careful attention. As a result, we have a thoroughly systematic and well-proportioned treatise upon insurance law.

For the student's use, the book could not easily be improved. The statements of principles are always clear and definite; its arrangement of topics is excellent; its criticism of authorities searching but fair, and its classification of decisions often results in bringing order out of apparent chaos. Two chapters, which are especially good examples of the author's best work, are those on "Insurance Agents and Their Powers" and "Waiver and Estoppel." His analysis and criticism of the Northern Assurance Case<sup>1</sup> is an admirable performance. It ought to lead the Supreme Court to a reconsideration of the doctrine enunciated by the majority in that case, and to a return to the views expressed in *Union Mutual Life Insurance Co. v. Wilkinson*<sup>2</sup>, as well as in most of the best considered decisions on this topic in the State courts.

It is a pleasure to observe that the author treats the Law Merchant as something more substantial than a myth—as a true body of law, from which English jurisprudence has drawn many of the principles which underlie the modern law of insurance. He agrees with Mr. Justice Bradley<sup>3</sup>, that "the contract of marine insurance is an exotic in the common law; that we know the fact, historically, that its first appearance in any code or system of laws was in the law maritime as promulgated by the various maritime states and cities of Europe."

While the volume is pre-eminently a student's book, and does not aspire to supplant the digests in their own peculiar field, it will be found very useful to the practitioner. Its citation of recent decisions is quite full, and its estimate of their soundness and value is, in our judgment, excellent.

POMEROY'S CODE REMEDIES. Fourth Edition. Revised and enlarged by Thomas A. Boger, Professor of Law in the University of Michigan. Little, Brown and Co., Boston. pp. clxx, 983.

The first edition of this great work by Professor Pomeroy appeared under the title, "Remedies and Remedial Rights" in 1876; the sec

---

<sup>1</sup> Northern Assurance Company v. Grand View Building Association, 183 U. S. 308; 23 Sup. Ct. 183; 46 L. Ed. 214.

<sup>2</sup> 13 Wall. 222; 20 L. Ed. 617.

<sup>3</sup> Insurance Company v. Dunham, 11 Wallace, 1, 32; 20 L. Ed. 90.

ond, revised by the author, in 1883, and the third, revised by his son, John Norton Pomeroy, Jr., in 1894, the title being then changed to "Code Remedies."

Agreeing most heartily with Professor Bogle's statement that it may be justly said that, as a writer upon the Code, Professor Pomeroy stands without a rival, it is rather difficult to justify the omission from the present edition of more than one hundred of the eight hundred and eight sections constituting the original work. The justification offered is that most of the omitted matter was theoretical and is not of present practical value; but it is submitted that the writer upon the Code who, as the reviser acknowledges, stands without a rival, ought to be the best judge of what properly pertains to the subject, and it is noticeable that not only was none of this matter omitted from the second edition, but, in the preface thereto, the author makes the following express statement, viz.: "In preparing this edition, I have not thought it expedient to alter in any substantial manner the original text, a few mistakes and omissions have been corrected, but the text stands virtually unchanged. I have seen no sufficient reason to modify any of its theoretical conclusions, and several of its practical conclusions have been sustained by the courts; none, so far as I am aware, have been distinctly condemned."

Moreover, it may be urged with considerable reason that this omitted "theoretical" matter has not been the least among the factors which have made this work unequalled in its field, and one that is constantly recognized as an authority by the courts of many jurisdictions.

Among omissions which are specially to be regretted are §§ 4 to 43 inclusive (particularly §§ 31 to 43 inclusive relating to the "General Nature of the Civil Action"), §§ 45 to 64 inclusive treating of "Theoretical Unity in Procedure"; and the sections relating to common law rules concerning joinder of parties plaintiff and defendant (§ 184 to 195 incl. and 273 to 286 incl.).

With this exception, however, it may be safely said that the reviser has performed his task well and thoroughly and that his work deserves high commendation. The important cases decided in the past ten years have been carefully examined, analyzed and classified, quotations being made from such as are particularly significant either as supporting the doctrines stated in the text, or as indicating dissent therefrom; the statutes of the different States relating to the subject are cited with a completeness that leaves little to be desired, attention being directed to statutory changes made since the publication of the third edition; and there are several specially important topics such as "allegations in pleadings," "amendments," "necessity and form of particular allegations in complaints," and "defenses of new matter," treated in the notes with a fullness and in a manner calculated to make this edition very acceptable to the busy practitioner. There is no text-book equal to Pomeroy's Code Remedies for the purpose of giving a student a clear and systematic presentation of the essential characteristics of the code procedure and the changes which have been effected by its introduction; and both student and practicing lawyer are to be congratulated that this latest revision of the work has been made with such care and thoroughness.